

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-38803-2022
Reserved on: 30.08.2022
Pronounced on: 02.09.2022

Anshul Garg ...Petitioner

Versus

State of Punjab and another ...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Munish Jolly, Advocate for the petitioner.

Mr. Harsimar Singh Sitta, DAG, Punjab.

ANOOP CHITKARA, J.

Complaint No.	Under Section	Titled
CIS No.NACT-562-2017	138 of NI Act	Nitesh Gupta Versus Anshul Garg (pending in the Court of learned CJM, Batala).

1. Challenging the order of declaring the petitioner as a proclaimed offender, vide order dated 31-5-2022, passed by JMIC Batala, due to the default in an appearance before the trial court, the petitioner has come up before this court.
2. The nature of order this court proposes to pass, no notice is required to be issued to the private respondent.
3. Ld. Counsel for the petitioner contends that the non-appearance was unintentional, without any endeavor to delay the trial, and due to factors beyond the petitioner's control. Without adjudicating the maintainability of this petition under section 482 Cr.P.C., and leaving that question open; given the explanation offered by the accused coupled with the facts and circumstances peculiar to this case, a balanced approach would work as an incentive, a catalyst, speeding up the process, and bringing the guilty to Justice and Justice to the guilty. The petition is allowed to the extent mentioned in this order and with the following conditions.
4. There shall be a stay of the petitioner's arrest in the case mentioned for ten days; however, if the petitioner fails to appear within this time, then stay on arrest shall stand vacated without any further reference to this court. It is clarified that if the petitioner appears before the concerned court, then the impugned order dated 2-5-2022, passed by the concerned court, against the petitioner in the matter mentioned above shall

stand quashed, warrants canceled, and bonds restored. However, in case the Id. trial court so desires, it may ask the petitioner to furnish fresh bail bonds, and in such an eventuality, the petitioner shall execute a bond for attendance in the concerned court to its satisfaction. The bail bonds shall remain in force throughout the trial and after that in Section 437-A of the Cr.P.C., if not cancelled due to non-appearance or breach of conditions.

5. **Within fifteen days from today**, the petitioner shall pay a sum of rupees ten thousand as costs to the complainant, in the manner and mode as directed by the Trial Court.

6. ***This order is subject to the petitioner appearing before the concerned court within fifteen days from today, and complying with the above-mentioned conditions, failing which it shall stand recalled under section 362 read with 482 Cr.P.C., without any further reference to this court.*** The petitioner is directed to appear on each date without any default.

7. Any observation made hereinabove is neither an expression of opinion on the merits of the case nor shall the trial Court advert to these comments.

8. *There would be no need for a certified copy of this order, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. In case the attesting officer wants to verify the authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.*

Petition allowed to the extent and subject to the conditions mentioned above. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

02.09.2022
Jyoti-II

Whether speaking/reasoned: Yes
Whether reportable: No.